

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,                     )  
   )  
                  Plaintiff,                         )  
   )  
vs.   ) Case No.: 4:13-cr-430 CDP  
   )  
LONNY AUSTIN FIELDER,                         )  
   )  
                  Defendant.                        )

**DEFENDANT'S SECOND MOTION TO CONTINUE TRIAL**

COMES NOW Defendant, Lonny Fielder, by and through counsel, and hereby moves this Court to continue the trial presently scheduled for April 7, 2014 for a period of thirty (30) days.

In support of this motion, Defendant states as follows:

1. Defendant is charged with a single a violation of Title 21 U.S.C. § 841(a)(1).
2. On August 13, 2013, Attorney General Eric Holder altered existing Department of Justice policy on the application of mandatory minimum sentences to low-level drug offenders.

The memorandum memorializing this policy change included the following language:

As with every case, prosecutors should determine, as a threshold matter, whether the case serves a substantial federal interest. In some cases, satisfaction of the above criteria meant for low-level, non-violent drug offenders may indicate that the prosecution would not serve a substantial federal interest and that the case should not be brought federally.

Office of the Attorney General, Memorandum to the United states Attorneys and Assistant Attorney General for the Criminal Division, p. 2 n. 3 (Aug, 12, 2013).

3. Based on this language, Defendant has asked the government to review his case to determine if its continued prosecution would serve a substantial federal interest or if the

interests of justice would be better served by relinquishing his case to the state.

4. Defendant expects this review process to take two or three weeks.

5. Accordingly, Defendant files the instant motion to obtain the time needed to complete this process.

6. For this reason, the instant motion is necessary to provide counsel for the “defendant...the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” See 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly, “the ends of justice served by [granting this motion] outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).

7. Defendant, through counsel, has discussed this matter with assistant United States attorney John T. Davis. Mr. Davis does not object to Defendant’s request.

WHEREFORE, Defendant respectfully requests this Honorable Court continue the trial presently scheduled for April 7, 2014 for a period of thirty (30) days.

Respectfully submitted,

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

By: /S/ Adam D. Fein  
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**CERTIFICATE OF SERVICE** (314)862-8050

I hereby certify that on March 21, 2014, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court’s electronic filing system upon Mr. John T. Davis, assistant United States attorney.